Received: 04/02/2003

2003 DRAFTING REQUEST

Bill

Received: 04/02/2003					Received By: mkunkel			
Wanted	: As time perm	its			Identical to LRB: By/Representing: Bill Dusso			
For: Re	gulation and L	icensing		•				
This file may be shown to any legislator: NO					Drafter: mkunkel			
May Co	ontact:				Addl. Drafters:			
Subject	: Occupa	itional Reg n	nisc		Extra Copies:			
Submit	via email: YES							
Reques	ter's email:	william.du	ısso@drl.sta	nte.wi.us				
Carbon	copy (CC:) to:	christophe	er.klein@dr	l.state.wi.us				
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Topic:								
Require	ments for indep	endent clinical	social work	er certificate	·			
Instruc	ctions:		- 42					
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Draftin	ng History:							
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2003 DRAFTING REQUEST

Bill

Received: 04/02/2003 Wanted: As time permits For: Regulation and Licensing This file may be shown to any legislator: NO					Received By: mkunkel Identical to LRB: By/Representing: Bill Dusso Drafter: mkunkel												
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Received: 04/02/2003

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04/03/2003 12:02:53 PM Page 2

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2003 DRAFTING REQUEST

Bill

Received: 04/02/2003

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: Regulation and Licensing

By/Representing: Bill Dusso

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject:

Occupational Reg. - misc

Extra Copies:

Submit via email: YES

Requester's email:

william.dusso@drl.state.wi.us

Carbon copy (CC:) to:

christopher.klein@drl.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Requirements for independent clinical social worker certificate

Instructions:

See Attached

Drafting History:

Vers. Drafted

Reviewed

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mkunkel

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FE Sent For:

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WISCONSIN DEPARTMENT OF RÉGULATION & LICENSING

Scott McCallum Governor Oscar Herrera Secretary



1400 East Washington Avenue PO Box 8935 Madison WI 53708-8935

> Email: dorl@drl.state.wi.us Voice: 608-266-2112

> > FAX: 608-267-0644 TTY: 608-267-2416

January 21, 2002

MEMORANDUM

TO:

Myra Shelton, Executive Assistant

FROM:

John Schweitzer, Legal Counsel to the Examining Board of Social Workers,

Marriage and Family Therapists and Professional Counselors

SUBJECT: Section Response to Bill Draft

At its meeting on January 16, 2002, the Social Worker Section of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors reviewed LRB-3386/1, the draft from the Legislative Reference Bureau of a bill that would open up CICSW certification to persons who did not pursue a clinical concentration and complete supervised clinical field training at the time they obtained their advanced degree.

The Section approved the language as drafted, with the following addition. Rather than trying to draft the necessary changes myself, I will describe the request and leave the details to the legislative reference bureau, since this change may introduce another level of complexity into the language of the bill.

As a further modification to the proposed change in this draft, the Section wants to be given the authority to promulgate rules that will allow a person to obtain the necessary supervised clinical experience not only through "supervised clinical field training", which tends to refer exclusively to a placement arranged through an academic program (and which as a practical matter may not be available to most practicing social workers), but also through a certain prescribed number of hours (the number 600 has been mentioned) of supervised clinical work experience.

-2339_2457 -2335

Department of Regulation and Licensing

Request for Legislation

Two unrelated requests by the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board:

Qualifications for Clinical Licensure for Social Workers
 Training Licenses and Temporary Licenses for MFTs and PCs

Date:

March 10, 2003

Person or Body requesting draft:

John Schweitzer, Legal Counsel for The Marriage and Family Therapy, Professional Counseling and Social Work Examining Board

Name, address and telephone number of board member to contact if there are questions about the proposal: 1. George Kamps, SW Section Chair Oneida Tribal Social Services 1373 Russell St., Green Bay, WI 54304 (920) 490-3713

2. Linda Schwallie, MFT Section Chair
122 Miramar Drive, Green Bay, WI 54301
(920) 429-1572
Colleen James, PC Section Chair
611 Saddle Ridge, Portage, WI 53901
(608) 742-9100 x 232

Describe the problem to be corrected by the legislation:

1. Current law, sec. 457.08 (4) (b), Stats. requires that applicants for licensure as Clinical Social Workers must have completed a master's or doctorate program in social work and "as part of the master's or doctorate program, had a clinical social work concentration and completed supervised clinical field training".

The requirement for education and experience is appropriate, but the specific wording of the statute closes the door to social workers who decide to pursue a clinical track after graduation.

2. Secs. 457.11 and 457.13, Stats. continue to refer to training certificates for Marriage and Family Therapists and Professional Counselors, even though 2001 Act 80 changed the basic credential for both of those professions from certificates to licenses. The phrase "training certificate" appears to parallel the Social Work Training Certificate, which remains an appropriate term because

bachelor's-level social workers are still issued certificates.

Sec. 457.14 (title) and (2), Stats. refer only to "certificates" where they should say "certificate or license", as paragraph (1) does.

How should the problem be corrected?

- 1. Provide the opportunity for social workers at the Advanced Practice and Independent levels to move to the Clinical level by obtaining **post-graduate** clinical coursework and field training.
- 2. Change the word "certificate" in secs. 457.11 and 457.13 to "license". Change the word "certificates" in sec. 457.14 (title) "certificates and licenses", and the word "certificate" in sec. 457.11 (2) to "certificate or license".

Has this proposal been introduced as legislation before? If so, when and under what bill number?

1. Yes, as LRB-3386/1 in the last session.

2. No. The situation arose as a result of 2001 Act 80, which was passed and signed in April of 2001.

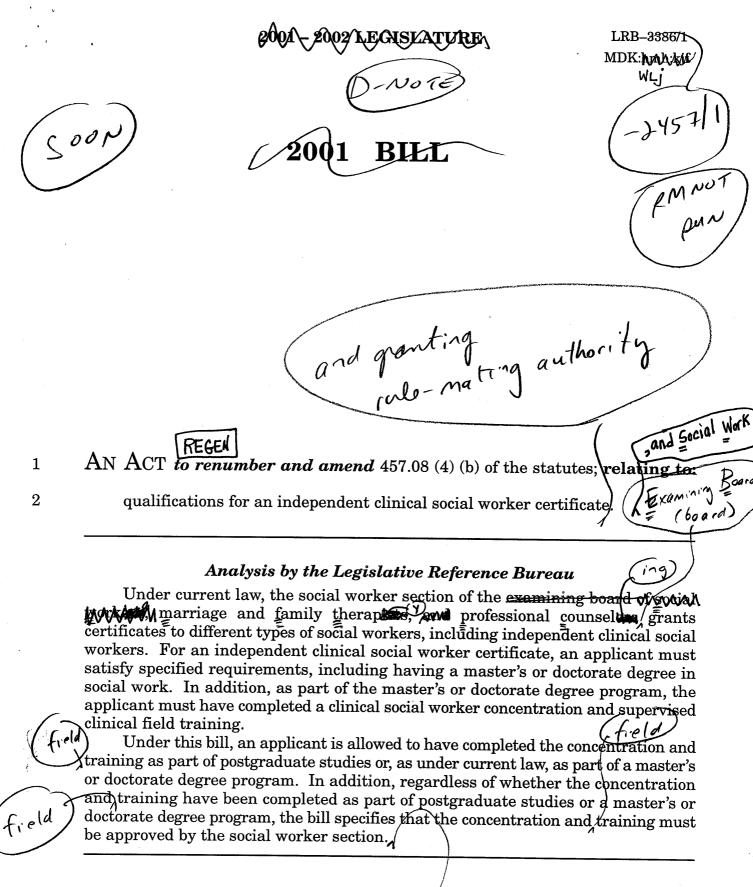
What is the likely fiscal effect of the proposal?

There would be no direct effect on state finances. The administrative processing of applications in the Department of Regulation and licensing would have to be changed, which would entail rule changes to implement the revised statute, changes to application forms, written explanations in official publications, and web page updates. Drafting and promulgating the necessary rule changes would require a total of approximately 12 hours of board member time and 15 hours of staff time. Changes to forms and publications would require a total of approximately 20 hours of staff time and some printing costs. Social Work organizations and Schools of Social Work, mostly in Wisconsin, would have to make similar changes to existing documents.

Attach copies of correspondence or other material that may assist in the drafting of the legislation.

Copy of LRB-3386.

Letter of January 21, 2002 suggesting a minor change to LRB-3386.



The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Also, the brill allows the board, with the advice of the social worther exection, to promulgate rules allowing an applicant to substitute a specified number of hours of supervised clinical work experience for the field trainings

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1	SECTION 1. 457.08 (4) (b) of the statutes is renumbered 457.08 (4) (b) (intro.)
2	and amended to read:

- 457.08 (4) (b) (intro.) Submits evidence satisfactory to the social worker section that he or she has satisfies each of the following:
- 1. The individual has received a master's degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work and, as.
- 2. As part of the master's or doctorate degree program, had specified in subd.

 1. or postgraduate studies, the individual has completed a clinical social work concentration and completed supervised clinical field training, both of which are approved by the social worker section.

SECTION 2. Initial applicability.

(1) This act first applies to applications for an independent clinical social worker certificate that are received on the effective date of this subsection.

15 (END)

Sexcept that Supon the advice of the social worker sections the examining board may promulgate rules that allow an individual to substitute a specifical number of hours of supervised clinical worth experience for supervised clinical field training

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2457/1dn MDK: **W**し

Bill Dusso:

This bill is identical to 2001 LRB-3386/1, except that it allows the board to promulgate rules for substituting supervised clinical work experience for the field training. Note that the rules may specify the number of hours of such experience that may used as a substitute. Also, as drafted, I think the board has the flexibility to promulgate rules that do, or do not, require such experience to be part of a master's or doctorate degree or postgraduate studies. Is that okay?

Mark D. Kunkel Senior Legislative Attorney Phone: (608) 266–0131

E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2457/1dn MDK:wlj:cph

April 3, 2003

Bill Dusso:

This bill is identical to 2001 LRB-3386/1, except that it allows the board to promulgate rules for substituting supervised clinical work experience for the field training. Note that the rules may specify the number of hours of such experience that may be used as a substitute. Also, as drafted, I think the board has the flexibility to promulgate rules that do, or do not, require such experience to be part of a master's or doctorate degree or postgraduate studies. Is that okay?

Mark D. Kunkel Senior Legislative Attorney Phone: (608) 266–0131

E-mail: mark.kunkel@legis.state.wi.us

Jim Doyle Governor

WISCONSIN DEPARTMENT OF **REGULATION & LICENSING**

PO Box 8935 Madison WI 53708-8935

Email: web@drl.state.wi.us

Voice: 608-266-2112 FAX: 608-267-0644 TTY: 608-267-2416

1400 E Washington Ave

Donsia Strong Hill Secretary



May 21, 2003

Mark Kunkel, Senior Legislative Attorney Legislative Reference Bureau P.O. Box 2037 Madison, WI 53701-2037

Re:

LRB-2457/1

Dear Mr. Kunkel:

Superceded

by Aug 22

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The Social Worker Section of the Examining Board of Marriage and Family Therapy, Professional Counseling and Social Work met again yesterday and the Section and I took another look at LRB-2457/1. On this occasion, the Section focused on the phrase "clinical social work concentration" and realized that the phrase tends to connote a pre-established academic program that would be difficult to achieve in postgraduate studies, which is the whole purpose of the request. Therefore, I have suggested a rewording below to better achieve the Section's purpose.

SECTION 1. 457.08 (4) (b) of the statutes is renumbered 457.08 (4) (b) (intro.) and amended to read:

457.08 (4) (b) (intro.) Submits evidence satisfactory to the social worker section that he or she satisfies each of the following:

- 1. The individual has received a master's degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work.
- 2. As part of the master's or doctorate degree program specified in subd. 1.-or postgraduate studies, the individual has completed a clinical social work concentration and supervised clinical field training, both of which are approved by the social worker section, except that the examining board may promulgate rules that allow an individual to take postgraduate coursework to complete the equivalent of a clinical social work concentration and to substitute a specified number of hours of supervised clinical social work experience for the supervised clinical field training.

SECTION 2. Initial applicability. (1) This act first applies to applications for an independent a clinical social worker certificate license that are received on the effective date of this subsection.

Sincerely.

John Schweitzer, Legal Counsel

Christopher Klein, Executive Assistant

Kunkel, Mark

- 2 457

From: Klein, Christopher

Sent: Tuesday, September 09, 2003 5:58

To: Kunkel, Mark

Mark, I am attaching a series of communication regarding LRB drafts on Social Workers. This has been just a mess on our part. I am hoping you could make sense of the order and do one of your miracles and draft the legislation appropriately.

Please let me know if you understand what is going on here.

Thank you again. Also, tomorrow I am forwarding to you some language to our Cremation Bill I am hoping you can add quickly.

Christopher P. Klein
Executive Assistant
Department of Regulation & Licensing
608-266-8608

Jim Doyle Governor WISCONSIN DEPARTMENT OF REGULATION & LICENSING

Donsia Strong Hill Secretary



1400 E Washington Ave PO Box 8935 Madison WI 53708-8935

Email: web@drl.state.wi.us Voice: 608-266-2112 FAX: 608-267-0644 TTY: 608-267-2416

August 22, 2003

MEMORANDUM

TO:

Christopher Klein, Executive Assistant

FROM:

John Schweitzer, Office of Legal Counsel

SUBJECT:

Request(s) for Legislation

I am attaching a number of documents associated with the Social Workers' request for legislation. I see that they could be quite confusing, so here is an explanation:

#1 is a request for legislation dated 3-10-03, which includes requests for both "clinical social work" changes and "MFT & PC training certificate" changes.

#2 is a separate request for legislation dated 4-1-03, would have accomplished the same "MFT & PC training certificate" changes. Although this may seem strange, I filed it for the following reason: Every year we have an opportunity to request minor non-substantive legislative changes, and I heard from Bill Dusso that it was time to do that. Since the "MFT & PC training certificate" changes were minor and non-substantive, I though I could take care of them more efficiently with the separate request.

#3 is LRB draft 2457/1, which addressed the "clinical social work" request in #1.

#4 is LRB draft 2335/1, which addressed the "MFT & PC training certificate" request in #1.

#5 is my letter of 4-22-03 providing additional information to Mark Kunkel about LRB-2335/1.

#6 is my letter of 5-7-03 providing additional information to Mark Kunkel about LRB-2457/1.

#7 is my letter of 5-27-03 providing yet more information to Mark Kunkel about LRB-2335/1.

The appropriate action to be taken at this point would be to ignore the 4-1-03 request and for the LRB to revise LRB-2457/1 and LRB-2335/1 based on the comments in the letters of 5-7-03 and 5-27-03 respectively.

Jahrensed below

-ignore

Jim Doyle Governor WISCONSIN DEPARTMENT OF REGULATION & LICENSING

1400 E Washington Ave PO Box 8935 Madison WI 53708-8935

Email: web@drl.state.wi.us Voice: 608-266-2112 FAX: 608-267-0644 TTY: 608-267-2416

Donsia Strong Hill Secretary



May 7, 2003

Mark Kunkel, Senior Legislative Attorney Legislative Reference Bureau P.O. Box 2037 Madison, WI 53701-2037

Dear Mr. Kunkel:

Thank you for drafting and sending for our review LRB-2457/1 along with your Drafter's Note. The language appears appropriate and it accomplishes the Social Worker Section's goals. The Social Worker Section met on April 24th and requested no changes, except that it will need to be redrafted since certified independent clinical social workers are now licensed clinical social workers. The specific changes follow:

AN ACT to renumber and amend 457.08 (4) (b) of the statutes; relating to: qualifications for an independent a clinical social worker certificate license and granting rule—making authority.

Analysis by the Legislative Reference Bureau

Under current law, the social worker section of the Marriage and Family
Therapy, Professional Counseling and Social Work Examining Board grants
certificates and licenses to different types of social workers, including independent clinical social
workers. For an independent a clinical social worker eertificate license, an applicant must
satisfy specified requirements, including having a master's or doctorate degree in
social work. In addition, as part of the master's or doctorate degree program, the
applicant must have completed a clinical social worker concentration and supervised
clinical field training.

Under this bill, an applicant is allowed to have completed the concentration and field training as part of postgraduate studies or, as under current law, as part of a master's or doctorate degree program. In addition, regardless of whether the concentration and field training have been completed as part of postgraduate studies or a master's or doctorate degree program, the bill specifies that the concentration and field training must be approved by the social worker section. Also, the bill allows the board, with the advice of the social worker section, to promulgate rules allowing an applicant to substitute a specified number of hours of supervised clinical work experience for the field training.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 457.08 (4) (b) of the statutes is renumbered 457.08 (4) (b) (intro.) and amended to read:

- 457.08 (4) (b) (intro.) Submits evidence satisfactory to the social worker section that he or she has satisfies each of the following:
- 1. The individual has received a master's degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work and, as.
- 2. As part of the master's or doctorate degree program, had specified in subd.
- 1. or postgraduate studies, the individual has completed a clinical social work concentration and completed supervised clinical field training, both of which are approved by the social worker section, except that, upon the advice of the social worker section, the examining board may promulgate rules that allow an individual to substitute a specified number of hours of supervised clinical work experience for the supervised clinical field training.

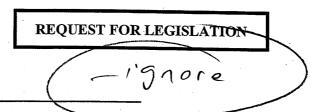
SECTION 2. Initial applicability.

(1) This act first applies to applications for an independent <u>a</u> clinical social worker certificate <u>license</u> that are received on the effective date of this subsection.

Sincerely,

John Schweitzer, Legal Counsel to the Board

cc: Chris Klein, Executive Assistant
Bill Dusso, General Counsel
Kim Nania, Bureau Director
Social Worker Section



Date: April 1, 2003

Person or Body requesting draft:

John Schweitzer, Legal Counsel

Name, address and telephone number of board member to contact if there are questions about the proposal.

Jennifer Borup, Joint Board Chair 242 Sommers Landing Road N

Hudson, WI 54016

(715) 425-3262

Describe the problem to be corrected by the legislation.

Minor changes to language.

How should the problem be corrected?

Inclusion in the Law Revision Committee's "clean-up" legislation.

Has this proposal been introduced as legislation before? If so, when and under what bill number? No.

What is the likely fiscal effect of the proposal?

The only effects will be wording changes.

Some of these will need to be incorporated in the codebooks, but this can wait until the next time they are reprinted for some other reason.

Some other wording changes, especially the names of credentials, will require changes in application forms and documentation, but the changes will be minor enough that the current forms and documentation can be used until existing stocks are used up.

Some wording changes, especially the names of credentials, will require changes in winted certificates. This will require changes in winted certificates.

Some wording changes, especially the names of credentials, will require changes in printed certificates. This will require an estimated four hours of IT staff time for changes and testing.

Attach copies of any correspondence or other material that may assist in the drafting of the legislation.

Specific proposed changes are attached.

Minor Statutory Changes to be Included in Law Revision Committee's Clean-up Legislation Attachment to Request for Legislation dated April 1, 2003 John Schweitzer, Legal Counsel

I. Section 15.01 (7), Stats.

"Examining board" means a part-time body which sets standards of professional competence and conduct for the profession under its supervision, prepares, conducts and grades the examinations of prospective new practitioners, grants licenses or other credentials, investigates complaints of alleged unprofessional conduct and performs other functions assigned to it by law. "Examining board" includes the board of nursing.

II. Section 457.04 (4)

Except as provided in s. 457.02, no person may do any of the following:

(4) Practice clinical social work or designate himself or herself as a clinical social worker or use or assume the title "clinical social worker" or any other title or designation that represents or may tend to represent the person as a clinical social worker unless the person is licensed as a clinical social worker under this chapter or unless the person is certified under this chapter as an advanced practice social worker or independent social worker and the person practices clinical social work under the supervision of a person who is licensed as a clinical social worker under this chapter an individual specified in s. 457.08 (4) (c) 1., 2., 3., or 4.

[This conforms sec. 457.04 (4) to sec. 457.035 (2), which permits supervision by psychologists, psychiatrists, and other persons approved in advance, as well as licensed clinical social workers.]

III. Section 457.08 (3) (c)

457.08

- (3) Independent social worker certificate. The social worker section shall grant an independent social worker certificate to any individual who is certified under sub. (1) and does all of the following:
- (c) Submits evidence satisfactory to the social worker section that after receiving a master's or doctorate degree in social work he or she has engaged in the equivalent of at least 2 years of full time at least 3,000 hours of supervised social work practice approved by the social worker section.

[Act 80 changed the phrase "the equivalent of at least 2 years of full-time supervised practice" to "at least 3,000 hours of supervised practice" for all of the professions licensed to practice psychotherapy, i.e. Marriage and Family Therapists, Professional Counselors, and Clinical Social Workers. The Social Worker Section required the identical amount of experience for persons applying for certification as Independent Social Workers (a non-clinical level not addressed in the psychotherapy focus of Act 80), but the change for ISWs was not included in Act 80. The change should be made for consistency.]

IV. Section 457.11 (title), (1) and (2)

457.11 Marriage and family therapist training eertificate license.

- (1) The marriage and family therapist section shall grant a marriage and family therapist training eertificate license to any individual who does all of the following:
- (2) A marriage and family therapist training <u>certificate</u> <u>license</u> is valid for 24 months or until the date on which the holder of the <u>certificate</u> <u>license</u> ceases to be employed in a position specified in sub. (1) (d), whichever occurs first, and may not be renewed by the marriage and family therapist section. A marriage and family therapist training <u>certificate</u> <u>license</u> authorizes the holder to use any title specified in s. 457.04 (5) during the period in which the <u>certificate</u> <u>license</u> is valid.

[This section, like the following one, requires a change from the phrase "training certificate" to "training license". The sections were modeled on the language of the Social Work Training Certificate, which remains a certificate, but the word "certificate" is inappropriate in this context.]

V. Section 457.13 (title), (1) and (2)

457.13 Professional counselor training certificate license.

- (1) The professional counselor section shall grant a professional counselor training eertificate license to any individual who does all of the following:
- (2) A professional counselor training <u>certificate license</u> is valid for 24 months or until the date on which the holder of the <u>certificate license</u> ceases to be employed in a position specified in sub. (1) (d), whichever occurs first, and may not be renewed by the professional counselor section. A professional counselor training <u>certificate license</u> authorizes the holder to use any title specified in s. 457.04 (6) during the period in which the <u>certificate license</u> is valid.

[See comment to previous section.]

VI. Section 457.14 (title) and (2)

457.14 Temporary certificates credentials.

(2) A temporary <u>certificate credential</u> granted under sub (1) is valid for a period designated by the appropriate section of the examining board, not to exceed 9 months, and may be renewed once by that section of the examining board.

[This statutory section now covers both temporary certificates and temporary licenses, and the more general term is needed.]

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2457/2dn MDK:....

Christopher Klein:

This version corrects references to clinical social worker licenses.

Mark D. Kunkel Senior Legislative Attorney
Phone: (608) 266–0131
E-mail: mark.kunkel@legis.state.wi.us

2003 - 2004 LEGISLATURE

D-NOTE)

2003 BILL

LRB-2457/1 MDK:wlj:eph

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License

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AN ACT to renumber and amend 457.08 (4) (b) of the statutes; relating to:

qualifications for an independent clinical social worker celtificate and granting

rule-making authority.

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Analysis by the Legislative Reference Bureau

Under current law, the social worker section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board grants certificates to different types of social workers, including the content clinical social workers. For an independent clinical social worker certificate, an applicant must satisfy specified requirements, including having a master's or doctorate degree in social work. In addition, as part of the master's or doctorate degree program, the applicant must have completed a clinical social worker concentration and supervised clinical field training.

Under this bill, an applicant is allowed to have completed the concentration and field training as part of postgraduate studies or, as under current law, as part of a master's or doctorate degree program. In addition, regardless of whether the concentration and field training have been completed as part of postgraduate studies or a master's or doctorate degree program, the bill specifies that the concentration and field training must be approved by the social worker section. Also, the bill allows the board, with the advice of the social worker section, to promulgate rules allowing

BILL

an applicant to substitute a specified number of hours of supervised clinical work experience for the field training.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1	SECTION 1. 457.08 (4) (b) of the statutes is renumbered 457.08 (4) (b) (intr	o.)
2	nd amended to read:	

457.08 (4) (b) (intro.) Submits evidence satisfactory to the social worker section that he or she has satisfies each of the following:

- 1. The individual has received a master's degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work and, as.
- 2. As part of the master's or doctorate degree program, had specified in subd.

 1. or postgraduate studies, the individual has completed a clinical social work concentration and completed supervised clinical field training, both of which are approved by the social worker section, except that, upon the advice of the social worker section, the examining board may promulgate rules that allow an individual to substitute a specified number of hours of supervised clinical work experience for the supervised clinical field training.

SECTION 2. Initial applicability.

(1) This act first applies to applications for an independent clinical social worker certificate that are received on the effective date of this subsection.

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(END)

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB–2457/2dn MDK:wlj:jf

September 15, 2003

Christopher Klein:

This version corrects references to clinical social worker licenses.

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